

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MATTHEW GIUCA, M.D., and CARL  
SCHMIGELSKI, M.D.,

Plaintiffs,

-against-

NASSAU ANESTHESIA ASSOCIATES, P.C.,  
and ENVISION HEALTHCARE  
CORPORATION,

Defendants.  
-----X

Case No. 21-cv-05830 (LTS)

**MEMO ENDORSED**

For the reasons set forth in the accompanying Declaration of Andrew S. Goodstadt in Support of this Motion, Goodstadt Law Group, PLLC, attorneys Plaintiffs Matthew Giuca, M.D. and Carl Schmigelski, M.D., hereby respectfully request the Court enter an Order refunding the filing fee for the above-captioned action, which was administratively closed pursuant to the Southern District of New York Electronic Case Filing Rule 14.12.

Dated: August 11, 2021  
Garden City, New York

Respectfully submitted,

**GOODSTADT LAW GROUP, PLLC**

The within motion is granted. The Clerk of Court is respectfully directed to refund the filing fee paid in this matter. Docket entry no. 2 is resolved.

SO ORDERED.

3/2/2022

/s/ Laura Taylor Swain, Chief USDJ

  
George D. Vallas  
910 Franklin Avenue, Suite 200  
Garden City, New York 11530  
Tel.: 516.307.1880  
Fax: (646) 430-8294  
agoodstadt@goodstadtlaw.com

*Attorneys for Plaintiffs Matthew Giuca,  
M.D. and Carl Schmigelski, M.D.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MATTHEW GIUCA, M.D., and CARL	:	
SCHMIGELSKI, M.D.,	:	
	:	
Plaintiffs,	:	Case No. 21-cv-05830 (LTS)
	:	
-against-	:	
	:	
NASSAU ANESTHESIA ASSOCIATES, P.C.,	:	
and ENVISION HEALTHCARE	:	
CORPORATION,	:	
	:	
Defendants.	:	
-----X		

**DECLARATION OF GEORGE VALLAS IN SUPPORT OF MOTION FOR REFUND OF  
FILING FEE**

I, GEORGE VALLAS, an attorney admitted to practice in the State of New York, declare as follows based on my personal knowledge pursuant to 28 U.S.C. § 1746:

1. I am an attorney at Goodstadt Law Group, PLLC (the “Firm”), attorneys for Plaintiffs Matthew Giuca, M.D. and Carl Schmigelski, M.D. in the above-captioned action. I submit this Declaration in support of the Firm’s motion for an Order refunding the \$405 filing fee paid by the Firm on behalf of Plaintiffs for the erroneous filing of this action in this District.

2. On July 7, 2017, Plaintiffs filed a complaint in the Eastern District of New York, asserting claims against Defendants for violations of the Americans with Disabilities Act, Family Medical Leave Act, New York State Human Rights Law, New York Labor Law, and breach of contract, captioned *Giuca, et al. v. Nassau Anesthesia Associates, P.C., et al.*, 21-cv-03814 (GRB)(AKT) (the “Complaint”).

3. Immediately prior to filing the Complaint in the Eastern District of New York, on July 7, 2021, the Firm mistakenly filed the Complaint in this District, and paid a filing fee in the amount of \$405.00.

4. After the erroneous filing, I contacted the ECF Clerk for the Southern District of New York to inform them of the mistake. According to the ECF Clerk, no further steps were necessary to administratively close the case and refund the filing fee.

5. The case was administratively closed on July 14, 2021.

6. Since my initial communication with the Clerk's office, the Firm has been further informed the Firm that a motion is necessary to refund the filing fee.

7. Accordingly, the Firm respectfully moves the Court to refund the erroneously paid \$405.00 filing fee in the above-captioned matter.

Dated: August 11, 2021  
Garden City, New York

Respectfully submitted,



George D. Vallas